***THE HON'BLE SRI JUSTICE P.S. NARAYANA**

+W.P.No.18738 OF 2006

% 13-09-2006

Between:

M/s Innovative Concepts India Pvt. Ltd., rep. By its
Business Development Officer,
47, 8th Main, Jayanagar, 4th Block
Bangalore

.. Petitioner

And

$ The Municipal Corporation of Hyderabad
Rep. by its Commissioner and another .. Respondents

<GIST:

>HEAD NOTE:

! Counsel for petitioner : Sri Posani Venkateswarlu
^ Counsel for respondents : Sri Rama Rao Ghanta

?CASES REFERRED :

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HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.18738 of 2006

Dated 13th SEPTEMBER 2006

Between:
M/s Innovative Concepts India Pvt.Ltd.,rep.by its
Business Development Officer,
47, 8th E Main, Jayanagar, 4th Block
Bangalore

…. Petitioner

And:
The Municipal Corporation of Hyderabad rep.by its
Commissioner, Tankbund, Hyderabad & another

… Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.18738 of 2006

ORDER:

On 11.09.2006 Sri Ghanta Rama Rao, had taken notice on behalf of the respondents and requested time to get instructions. Heard Sri Posani Venkateswarlu, counsel representing the petitioner and also Sri Ghanta Rama Rao, counsel representing the respondents.

2. The writ petition is filed by the petitioner, M/s Innovative Concepts India Pvt. Ltd., Bangalore, praying for writ of *Mandamus* or any other appropriate writ or writs, order or direction, declaring the orders in Lr.No.843/PG/S1/MCH/2006/606 dated 17.08.2006 passed by the 2nd respondent, as illegal, contrary to law and arbitrary and consequently direct the respondents to allot N.T.R. Grounds (Stadium) situated at Indira Park, Lower Tankbund, Hyderabad to the petitioner for a period from 12.10.2006 to 17.11.2006 for organizing Consumer Exhibition from 10.10.2006 to 17.11.2006 and to pass such other suitable orders.

3. It is stated that the petitioner company is incorporated under the provisions of the Companies Act 1956. It is a Massive Events and

Exhibitions organizer. It has been organizing Consumer Exhibitions all over India for the last 15 years and in Hyderabad for the last three years. This time, the Company intends to conduct Consumer Exhibition at NTR Grounds situated near Indira Park, Lower Tank Bund, Hyderabad, which is under the management of the respondent Municipal Corporation. It is also stated that the petitioner company submitted representation to the respondents on 10.07.2006 requesting to allot the ground for the period from 12.10.2006 to 17.11.2006 for conducting consumer exhibition from 27.10.2006 to 13.11.2006. As per the schedule mentioned in their representation (a) construction of tent for exhibition is from 12.10.2006 to 26.10.2006, (b) exhibition from 27.10.2006 to 13.11.2006 and (c) dismantling of structures from 14.11.2006 to 17.11.2006. Again the petitioner company submitted another representation to the respondents on 19.07.2006 giving further details of the exhibition and also given undertaking not to cause any noise pollution etc. It is also stated that pursuant to the representations, the respondents passed impugned orders dated 17.08.2006 rejecting their request. The reason assigned for rejecting their request is that as per the orders of the Court dated 30.10.2003 passed in WAMP No.3347 of 2003 in WA No.1938/2003, the respondent Corporation would not permit the NTR Stadium to be used for the purpose of holding meetings, dharnas, picketing etc. using loud speakers with amplifiers, disturbing peace of the locality. It is also stated that the respondent mechanically rejected the request. It is further stated that the petitioner Company is not a political organization and it cannot conduct dharnas, picketing and use loud speakers with amplifiers. It is also stated that the petitioner Company in their representations, specifically stated that the Company would organize only consumer exhibition and would not cause any noise pollution. It was further specifically mentioned that parking of vehicles would be done in the allotted ground and no vehicle would be allowed to park outside the

ground and there would be no stall outside the ground allotted. It is also stated that the proposed exhibition will not disturb the peace of locality and on the other hand, the proposed exhibition will create consumer awareness among public and more useful for public.

4. The order in Lr.No.843/PG/S1/MCH/2006/666 dated 17.08.2006, impugned in the present writ petition, reads hereunder.

> "Sir,
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> Sub: Playground section – MCH Permission for organizing Consumer Exhibition at NTR Stadium from 27th October to 13th November 2006 – Request – Rejected.
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> Ref: 1. Judgment of the Hon'ble High Court of Andhra Pradesh in WAMP No.3347 of 2003 dt.30.10.2003
> 2. Representation of Shri Girish M.M., General Manager, Innovative Concepts India Pvt. Ltd., 10.07.206 and 19.07.2006
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> Shri Shri Girish M.M., General Manager, Innovative Concepts India Pvt. Ltd., Bangalore, vide reference 2nd cited has requested to provide NTR Stadium from 27th October 2006 to 13th November 2006 for organizing Consumer Exhibition.
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> It is to inform that as per the judgment of the Hon'ble High Court of A.P. vide reference 1st cited, wherein the Hon'ble High Court has directed in the order that the "MCH will not permit the NTR Stadium to be used for the purpose of Holding Meetings, Dharnas, Picketing etc., and using Loud Speakers with Amplifiers disturbing peace of the locality."
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> In view of the above directions of the Hon'ble High Court of A.P., Shri Girish M.M., General Manager, Innovative Concepts India Pvt. Ltd.,Bangalore is hereby informed that the NTR Stadium cannot be provided for organizing consumer exhibition from 27th October to 13th November, 2006. (This has the approval of the Commissioner, MCH)"

5. In view of the stand taken by the learned counsel for the petitioner that the petitioner Company is not going to use the stadium in question for any of the purposes which had been referred to in the order made by this Court in WA MP No.3347 of 2003, this Court is of the considered opinion that the impugned order cannot be sustained

and hence, the same is hereby set aside and the respondents are hereby directed to reconsider the whole issue taking into consideration the purpose for which it is being required by the petitioner and pass appropriate orders in that regard, specifying such conditions as may be necessary in the facts and circumstances of the case, within a period of one week from the date of receipt of a copy of this order. It is stated by the learned standing counsel that such appropriate orders would be passed subject to availability of the stadium during the said period. The same is hereby recorded.

With the above directions, the writ petition is disposed of. No order as to costs.

P.S. NARAYANA, J

Date: 13th SEPTEMBER 2006

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